IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division

ELLENOR ZINSKI,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Case No. 6:24-cv-41-NKM**
	)	
LIBERTY UNIVERSITY, INC.,	)	
	)	
Defendant.	)	

DEFENDANT LIBERTY UNIVERSITY'S NOTICE THAT MOTION TO DISMISS IS
RIPE FOR ADJUDICATION WITHOUT HEARING

Pursuant to Local Rule 11(b) and the Court's current Scheduling Order (dkt. 15, ¶11), Defendant Liberty University, Inc. ("Liberty University") hereby files this Notice that its Motion to Dismiss (dkt. 11) is ripe for adjudication without a hearing.

Liberty University does not request a hearing on its Motion to Dismiss (dkt. 11), except as conditionally provided in its Memorandum in Support of Motion to Dismiss. (Dkt. 12, at 37.) As stated therein, should the Court determine that more factual development is necessary for a determination of whether the First Amendment ministerial exception bars Plaintiff's claims, the issue is jurisdictional in nature, concerns the Court's subject matter jurisdiction, and must be adjudicated by a separate evidentiary hearing on that isolated issue prior to full discovery being permitted to commence. (*See* dkt. 12, at 37 (citing authorities).) Thus, to the extent the Court determines that it needs more information, Liberty University only requests, and the law compels, a conditional hearing on that jurisdictional issue.

Respectfully submitted,

/s/ Daniel J. Schmid
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of November, 2024, I caused a true and correct copy

of the foregoing to be electronically filed with this Court. Service will be effectuated on all counsel

of record via this Court's ECF/electronic notification system.

/s/ Daniel J. Schmid
Daniel J. Schmid